

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1224

Introduced by Senator Ortiz

February 11, 2004

An act to amend ~~Section 25180.5 of the Health and Safety~~ Sections 17213 and 17582 of, and to add Section 17214 to, the Education Code, and to amend Sections 21151.2, 21151.4, and 21151.8 of the Public Resources Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1224, as amended, Ortiz. Hazardous waste violations: air districts school facilities.

(1) Existing law prohibits the governing board of a school district from approving a project involving the acquisition of a schoolsite by a school district, unless the school district complies with specified requirements relating to the detection of hazardous materials.

This bill would also prohibit the governing board of a school district from approving a project involving the construction or alteration of an elementary or secondary school, unless the school district complies with those requirements.

(2) Existing law requires a school district, in preparing an environmental impact report or negative declaration for a project involving the acquisition of a schoolsite to consult with the administering agency in which the proposed schoolsite is located and with any air pollution control district or air quality management district having jurisdiction in the area to identify permitted and nonpermitted facilities within 1/4 of a mile of the proposed schoolsite that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or acutely hazardous materials, substances, or waste.

This bill would have the requirement apply to extremely hazardous substances, as defined, instead of the acutely hazardous materials, and would additionally require the school district to consult with the city or county in which the proposed schoolsite is located.

(3) Existing law authorizes the governing board of a school district to establish a restricted fund to be known as the district deferred maintenance fund for the purpose of major repair or maintenance of school facilities, as specified. Existing law requires the State Allocation Board to apportion, from the School Deferred Maintenance Fund, to school districts an amount equal to \$1 of local funds up to a specified maximum amount, for purposes of the district deferred maintenance fund.

This bill would authorize money in the district deferred maintenance fund to be used for the investigation, mitigation, and removal of hazardous materials, as defined. The bill would require the governing board of a school district, as a condition of receiving state matching funds from the School Deferred Maintenance Fund, to incorporate the investigation, mitigation, and removal of hazardous materials into their deferred maintenance process, as specified.

(4) Existing law requires the governing board of a school district, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give the planning commission having jurisdiction notice in writing, and requires the planning commission to investigate the proposed site and within 60 days after receipt of the notice to submit to the governing board a written report of the investigation and recommendations concerning acquisition of the site.

This bill would require the planning commission to submit the written report and recommendations to the governing board within 30 days of receiving the notice.

(5) Existing law prohibits an environmental impact report or negative declaration from being approved for any project involving the construction or alteration of a facility within $\frac{1}{4}$ mile of a school that might reasonably be anticipated to emit hazardous or acutely hazardous air emissions or that would handle those materials in specified quantities, and that may pose a health or safety hazard to persons who would attend or be employed at the school, unless certain conditions are met relating to notification to the school district.

This bill would replace acutely hazardous materials with extremely hazardous substances, as defined. The bill additionally prohibit the environmental impact report or negative declaration from being

approved unless the lead agency makes a written finding that the health risks will not constitute an actual or potential endangerment to persons who would attend or be employed at the school or that corrective measures will result in the mitigation of all chronic and accidental hazardous air emissions, as specified.

(6) Existing law prohibits an environmental impact report or negative declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school unless certain conditions are met relating to the detection of hazardous materials.

This bill would also require those conditions to be met prior to approving an environmental impact report or negative declaration for the alteration of an elementary or secondary school.

(7) By imposing new requirements on school districts, this bill would impose a state-mandated local program.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program, and every county is required to apply to the secretary to be certified to implement the unified program as a certified unified program agency (CUPA).~~

~~Existing law requires the Department of Toxic Substances Control, the State Water Resources Control Board, and the California regional water quality control boards to notify the local health officer and the director of environmental health of a county, city, or district, and the certified unified program agency, within 15 days after the department's or board's employees are informed of, or discover, an illegal or potentially hazardous disposal of hazardous waste, or if the department or board proposes to take certain enforcement actions. The department, the state board, and regional boards are required to coordinate with unified program agencies regarding hazardous waste violations.~~

~~This bill would additionally require an air pollution control district and an air quality management district to provide this notification to the~~

~~local health officer and the director of environmental health of a county, city, or district, and to the certified unified program agency. The bill would also increase from 15 days to 30 days the amount of time for which the notification is required to be made after the department, board, or air district is informed of, or discovers, an illegal or potentially hazardous disposal of hazardous waste, or proposes to take certain enforcement actions.~~

~~The bill would require these air districts to coordinate with unified program agencies regarding hazardous waste violations.~~

~~The bill would impose a state-mandated local program by imposing new duties upon air districts.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 25180.5 of the Health and Safety Code~~
- 2 *SECTION 1. With regard to environmental concerns at*
- 3 *existing schools with actual or potential contamination, the*
- 4 *Legislature hereby finds and declares all of the following:*
- 5 *(a) Complaints and concerns about environmental problems at*
- 6 *specific existing schools throughout the state are frequently raised*
- 7 *by teachers, parents, community members, contractors, or school*
- 8 *districts.*
- 9 *(b) While there is a comprehensive process for ensuring that*
- 10 *new schoolsites are free of environmental contamination, no*
- 11 *process exists for environmental concerns regarding existing*
- 12 *schools that may be located on or adjacent to properties with*
- 13 *hazardous substances.*

1 (c) *There is a need to establish an avenue for environmental*
2 *concerns at existing schools to be thoroughly evaluated and to*
3 *ensure that, where necessary, further steps are taken to perform site*
4 *investigations and cleanup actions consistent with the protective*
5 *process that has been established by the Legislature for new*
6 *schoolsites.*

7 (d) *Approximately 73 percent of the state's classrooms are over*
8 *25 years old. Many existing schools, whether located in urban,*
9 *rural or agricultural areas, may have environmental*
10 *contamination due to previous or current land uses.*

11 (e) *In the past several years, a variety of environmental*
12 *problems have come to light at existing schools, including releases*
13 *from underground storage tanks, pesticide contamination,*
14 *contamination from adjacent businesses, including*
15 *chrome-plating facilities, and hazardous substances and methane*
16 *from old landfills.*

17 (f) *Schools should, as they do with other deferred maintenance*
18 *concerns that arise, investigate and address issues of hazardous*
19 *materials exposure on their campuses.*

20 (g) *Currently there is no consistent or thorough mechanism for*
21 *ensuring when hazardous materials concerns come to light at*
22 *schools, that they are investigated and addressed under the*
23 *oversight of the appropriate state regulatory agency, the*
24 *Department of Toxic Substances Control. Ensuring that the*
25 *appropriate state regulatory agency is involved will ensure that*
26 *environmental issues are clearly and effectively explained to*
27 *school districts, parents, teachers, and staff.*

28 SEC. 2. *Section 17213 of the Education Code is amended to*
29 *read:*

30 17213. The governing board of a school district may not
31 approve a project involving the acquisition of a schoolsite or the
32 construction or alteration of an elementary or secondary school by
33 a school district, unless all of the following occur:

34 (a) The school district, as the lead agency, as defined in Section
35 21067 of the Public Resources Code, determines that the property
36 purchased or to be built upon is not any of the following:

37 (1) The site of a current or former hazardous waste disposal site
38 or solid waste disposal site, unless if the site was a former solid
39 waste disposal site, the governing board of the school district
40 concludes that the wastes have been removed.

(2) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(3) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, ~~acutely~~ extremely hazardous ~~materials~~ substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood.

(b) The school district, as the lead agency, as defined in Section 21067 of the Public Resources Code, in preparing the environmental impact report or negative declaration has consulted with the administering agency in which the proposed schoolsite is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, the city or county in which the proposed schoolsite is located, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify ~~both~~ permitted ~~and~~, nonpermitted, *and proposed* facilities within that district's authority, including, but not limited to, freeways and other busy traffic corridors, large agricultural operations, ~~and~~ railyards, *and any parcel having an allowed use in the general plan or zoning ordinance*, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or ~~acutely~~ extremely hazardous ~~materials~~, substances, or waste. The school district, as the lead agency, shall include a list of the locations for which information is sought.

(c) The governing board of the school district makes one of the following written findings:

(1) Consultation identified ~~none of the~~ *no existing or proposed* facilities or significant pollution sources specified in subdivision (b).

(2) The *existing or proposed* facilities ~~or~~, other pollution sources, *or parcels* specified in subdivision (b) exist, but one of the following conditions applies:

(A) The health risks from the facilities ~~or~~, other pollution sources, *or parcels* do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school.

(B) The governing board finds that corrective measures required under an existing order by another governmental entity that has jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes this finding, the governing board shall also make a subsequent finding, prior to the occupancy of the school, that the emissions have been mitigated to these levels.

(C) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(D) The governing board finds that neither of the conditions set forth in subparagraph (B) or (C) can be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

(d) As used in this section:

(1) “Hazardous air emissions” means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(2) “Hazardous substance” means any substance defined in Section 25316 of the Health and Safety Code.

(3) ~~“Acutely~~ “Extremely hazardous material substance” means any ~~material~~ substance defined pursuant to paragraph (2)

1 of subdivision ~~(a)~~ (g) of Section 25532 of the Health and Safety
2 Code.

3 (4) “Hazardous waste” means any waste defined in Section
4 25117 of the Health and Safety Code.

5 (5) “Hazardous waste disposal site” means any site defined in
6 Section 25114 of the Health and Safety Code.

7 (6) “Administering agency” means any agency designated
8 pursuant to Section 25502 of the Health and Safety Code.

9 (7) “Handle” means handle as defined in Article 1
10 (commencing with Section 25500) of Chapter 6.95 of Division 20
11 of the Health and Safety Code.

12 (8) “Facilities” means any source with a potential to use,
13 generate, emit or discharge hazardous air pollutants, including, but
14 not limited to, pollutants that meet the definition of a hazardous
15 substance, and whose process or operation is identified as an
16 emission source pursuant to the most recent list of source
17 categories published by the ~~California~~ State Air Resources Board.

18 (9) “Freeway or other busy traffic corridors” means those
19 roadways that, on an average day, have traffic in excess of 50,000
20 vehicles in a rural area as defined in Section 50101 of the Health
21 and Safety Code, and 100,000 vehicles in an urban area, as defined
22 in Section 50104.7 of the Health and Safety Code.

23 SEC. 3. Section 17214 is added to the Education Code, to
24 read:

25 17214. (a) As a condition of receiving state funds pursuant to
26 Section 17584 the governing board of a school district shall
27 incorporate the investigation, mitigation, and removal of
28 hazardous materials into their deferred maintenance process.

29 (b) The governing board of a school district shall contact the
30 Department of Toxic Substances Control with the discovery of a
31 potential health risk caused by a hazardous material.

32 (c) The Department of Toxic Substances Control, upon
33 determining that there is a potential release of a hazardous material
34 that may pose a health risk, may oversee, review, and approve a site
35 investigation and remediation for school buildings and schoolsites
36 not otherwise subject to the requirements of Section 17213.1.

37 (d) “Hazardous material” means any material defined
38 pursuant to subdivision (e) of Section 17210.

39 (e) In overseeing, reviewing, and approving site investigation
40 and remediation activities for school buildings and schoolsites, the

1 Department of Toxic Substances Control and the school district
2 shall comply with the requirements of this article.

3 SEC. 4. Section 17582 of the Education Code is amended to
4 read:

5 17582. (a) The governing board of each school district may
6 establish a restricted fund to be known as the “district deferred
7 maintenance fund” for the purpose of major repair or replacement
8 of plumbing, heating, air conditioning, electrical, roofing, and
9 floor systems, the exterior and interior painting of school
10 buildings, the inspection, sampling, and analysis of building
11 materials to determine the presence of asbestos-containing
12 materials, the encapsulation or removal of asbestos-containing
13 materials, the inspection, identification, sampling, and analysis of
14 building materials to determine the presence of lead-containing
15 materials, the control, management, and removal of
16 lead-containing materials, *the investigation, mitigation and*
17 *removal of hazardous materials, as defined in subdivision (e) of*
18 *Section 17210*, and any other items of maintenance approved by
19 the State Allocation Board. Funds deposited in the district deferred
20 maintenance fund may be received from any source whatsoever,
21 and shall be accounted for separately from all other funds and
22 accounts and retained in the district deferred maintenance fund for
23 purposes of this section. The term “school building” as used in
24 this article includes a facility that a county office of education is
25 authorized to use pursuant to Article 3 (commencing with Section
26 17280) of Chapter 3.

27 (b) Funds deposited in the district deferred maintenance fund
28 shall only be expended for maintenance purposes as provided
29 pursuant to subdivision (a).

30 (c) The governing board of each school district shall have
31 complete control over the funds and earnings of funds once
32 deposited in the district deferred maintenance fund, provided that
33 no funds deposited in the district deferred maintenance fund
34 pursuant to subdivision (a) or (b) of Section 17584 may be
35 expended by the governing board for any purpose except those
36 specified in subdivision (a) of this section.

37 SEC. 5. Section 21151.2 of the Public Resources Code is
38 amended to read:

39 21151.2. To promote the safety of pupils and comprehensive
40 community planning the governing board of each school district

1 before acquiring title to property for a new ~~school-site~~ *schoolsite*
2 or for an addition to a present ~~school-site~~ *schoolsite*, shall give the
3 planning commission having jurisdiction notice in writing of the
4 proposed acquisition. The planning commission shall investigate
5 the proposed site and within ~~30~~ 60 days after receipt of the notice
6 shall submit to the governing board a written report of the
7 investigation and its recommendations concerning acquisition of
8 the site, *including any information required pursuant to Section*
9 *21151.8.*

10 The governing board shall not acquire title to the property until
11 the report of the planning commission has been received. If the
12 report does not favor the acquisition of the property for a ~~school~~
13 ~~site~~ *schoolsite*, or for an addition to a present ~~school-site~~
14 *schoolsite*, the governing board of the school district shall *provide*
15 *a written response to the recommendations and shall* not acquire
16 title to the property until 30 days after the commission's report is
17 received.

18 *SEC. 6. Section 21151.4 of the Public Resources Code is*
19 *amended to read:*

20 21151.4. ~~No~~ An environmental impact report or negative
21 declaration shall *not* be approved for any project involving the
22 construction or alteration of a facility within $\frac{1}{4}$ of a mile of a
23 school ~~which~~ *that* might reasonably be anticipated to emit
24 hazardous or acutely hazardous air ~~emission~~ *emissions*, or ~~which~~
25 *that* would handle ~~acutely~~ *extremely* hazardous ~~material~~ *substance*
26 *is* or a mixture containing ~~acutely~~ *extremely* hazardous ~~material~~
27 *substances* in a quantity equal to or greater than the quantity
28 specified in *paragraph (2) of subdivision (a) (g) of Section 25536*
29 *25532 of the Health and Safety Code, which may pose a health or*
30 *safety hazard to persons who would attend or would be employed*
31 *at the school, unless both of the following occur:*

32 ~~(a)–~~

33 (1) The lead agency preparing the environmental impact report
34 or negative declaration has consulted with the school district
35 having jurisdiction regarding the potential impact of the project on
36 the school.

37 ~~(b)–~~

38 (2) The school district has been given written notification of the
39 project not less than 30 days prior to the proposed approval of the
40 environmental impact report or negative declaration.

1 (3) *The lead agency makes written findings that one of the*
2 *following conditions apply:*

3 (A) *The health risks from the project will not constitute an*
4 *actual or potential endangerment of public health to persons who*
5 *would attend or be employed at the school.*

6 (B) *Corrective measures required by an agency having*
7 *jurisdiction over the project will result in the mitigation of all*
8 *chronic and accidental hazardous air emissions to levels that do*
9 *not constitute an actual or potential endangerment of public health*
10 *to persons who would attend or be employed at the proposed*
11 *school.*

12 (b) *The requirements of subdivision (a) do not apply if the*
13 *school district complied with the requirements of Section 21151.8*
14 *and the school district was notified that the project was identified*
15 *as a proposed facility, or the project is on an identified parcel, as*
16 *described in paragraph (2) of subdivision (a) of Section 21151.8.*

17 (c) *As used in this section:*

18 (1) *“Extremely hazardous substance” means any substance*
19 *defined pursuant to paragraph (2) of subdivision (g) of Section*
20 *25532 of the Health and Safety Code.*

21 (2) *“Hazardous air emissions” means emissions into the*
22 *ambient air of air contaminants that have been identified as a toxic*
23 *air contaminant by the State Air Resources Board or by the air*
24 *pollution control officer for the jurisdiction in which the project is*
25 *located. As determined by the air pollution control officer,*
26 *hazardous air emissions also means emissions into the ambient air*
27 *from any substances identified in subdivisions (a) to (f), inclusive,*
28 *of Section 44321 of the Health and Safety Code.*

29 SEC. 7. *Section 21151.8 of the Public Resources Code is*
30 *amended to read:*

31 21151.8. (a) *An environmental impact report or negative*
32 *declaration may not be approved for any project involving the*
33 *purchase of a schoolsite or the construction or alteration of a new*
34 *an elementary or secondary school by a school district unless all*
35 *of the following occur:*

36 (1) *The environmental impact report or negative declaration*
37 *includes information that is needed to determine if the property*
38 *proposed to be purchased, or to be constructed upon, is any of the*
39 *following:*

1 (A) The site of a current or former hazardous waste disposal
2 site or solid waste disposal site and, if so, whether the wastes have
3 been removed.

4 (B) A hazardous substance release site identified by the
5 Department of Toxic Substances Control in a current list adopted
6 pursuant to Section 25356 of the Health and Safety Code for
7 removal or remedial action pursuant to Chapter 6.8 (commencing
8 with Section 25300) of Division 20 of the Health and Safety Code.

9 (C) A site that contains one or more pipelines, situated
10 underground or aboveground, that carries hazardous substances,
11 ~~acutely extremely hazardous materials~~ substances, or hazardous
12 wastes, unless the pipeline is a natural gas line that is used only to
13 supply natural gas to that school or neighborhood, or other nearby
14 schools.

15 (D) A site that is within 500 feet of the edge of the closest traffic
16 lane of a freeway or other busy traffic corridor.

17 (2) The school district, as the lead agency, in preparing the
18 environmental impact report or negative declaration has notified
19 in writing and consulted with the administering agency in which
20 the proposed schoolsite is located, pursuant to Section 2735.3 of
21 Title 19 of the California Code of Regulations, *the city or county*
22 *in which the proposed schoolsite is located*, and with any air
23 pollution control district or air quality management district having
24 jurisdiction in the area, to identify ~~both~~ permitted ~~and~~,
25 nonpermitted, *and proposed* facilities within that district's
26 authority, including, but not limited to, freeways and busy traffic
27 corridors, large agricultural operations, ~~and~~ railyards, *and any*
28 *parcel having an allowed use in the general plan or zoning*
29 *ordinance*, within one-fourth of a mile of the proposed schoolsite,
30 that might reasonably be anticipated to emit hazardous emissions
31 or handle hazardous or ~~acutely extremely hazardous materials~~,
32 substances, or waste. The notification by the school district, as the
33 lead agency, shall include a list of the locations for which
34 information is sought.

35 (3) The governing board of the school district makes one of the
36 following written findings:

37 (A) Consultation identified no *existing or proposed* facilities of
38 this type ~~or~~, other significant pollution sources, *or parcels*
39 specified in paragraph (2).

(B) The existing *or proposed* facilities ~~or~~, other pollution sources, *or parcels* specified in paragraph (2) exist, but one of the following conditions applies:

(i) The health risks from the facilities ~~or~~, other pollution sources, *or parcels* do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.

(ii) Corrective measures required under an existing order by another agency having jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes a finding pursuant to this clause, it shall also make a subsequent finding, prior to occupancy of the school, that the emissions have been so mitigated.

(iii) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(C) The facilities or other pollution sources specified in paragraph (2) exist, but conditions in clause (i), (ii) or (iii) of subparagraph (B) cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213 of the Education Code. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

(4) Each administering agency, *city, or county*, air pollution control district, or air quality management district receiving written notification from a lead agency to identify facilities pursuant to paragraph (2) shall provide the requested information and provide a written response to the lead agency within 30 days

1 of receiving the notification. The environmental impact report or
2 negative declaration shall be conclusively presumed to comply
3 with this section as to the area of responsibility of any agency that
4 does not respond within 30 days.

5 ~~(b) If a school district, as a lead agency, has carried out the~~
6 ~~consultation required by paragraph (2) of subdivision (a), the~~
7 ~~environmental impact report or the negative declaration shall be~~
8 ~~conclusively presumed to comply with this section,~~
9 ~~notwithstanding any failure of the consultation to identify an~~
10 ~~existing facility or other pollution source specified in paragraph~~
11 ~~(2) of subdivision (a).~~

12 ~~(c) As used in this section and Section 21151.4, the following~~
13 definitions shall apply:

14 (1) “Hazardous substance” means any substance defined in
15 Section 25316 of the Health and Safety Code.

16 (2) ~~“Acutely”~~ “Extremely hazardous material substance”
17 means any ~~material substance~~ defined pursuant to *paragraph (2)*
18 ~~of subdivision (a)~~ (g) of Section 25532 of the Health and Safety
19 Code.

20 (3) “Hazardous waste” means any waste defined in Section
21 25117 of the Health and Safety Code.

22 (4) “Hazardous waste disposal site” means any site defined in
23 Section 25114 of the Health and Safety Code.

24 (5) “Hazardous air emissions” means emissions into the
25 ambient air of air contaminants that have been identified as a toxic
26 air contaminant by the State Air Resources Board or by the air
27 pollution control officer for the jurisdiction in which the project is
28 located. As determined by the air pollution control officer,
29 hazardous air emissions also means emissions into the ambient air
30 from any substances identified in subdivisions (a) to (f), inclusive,
31 of Section 44321 of the Health and Safety Code.

32 (6) “Administering agency” means an agency designated
33 pursuant to Section 25502 of the Health and Safety Code.

34 (7) “Handle” means handle as defined in Article 1
35 (commencing with Section 25500) of Chapter 6.95 of Division 20
36 of the Health and Safety Code.

37 (8) “Facilities” means any source with a potential to use,
38 generate, emit or discharge hazardous air pollutants, including, but
39 not limited to, pollutants that meet the definition of a hazardous
40 substance, and whose process or operation is identified as an

emission source pursuant to the most recent list of source categories published by the ~~California~~ State Air Resources Board.

(9) “Freeway or other busy traffic corridors” means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

~~is amended to read:~~

~~25180.5. (a) The department, the State Water Resources Control Board, the California regional water quality control boards, and an air pollution control district or air quality management district, shall notify the local health officer and the director of environmental health of a county, city, or district, and the CUPA for the jurisdiction, as specified in subdivision (b), within 30 days after the date that any of the following occur:~~

~~(1) The department’s, board’s, or district’s employees are informed or discover that a disposal of hazardous waste has occurred within that county, city, or district and that the disposal violates a state or local law, ordinance, regulation, rule, license, or permit or that the disposal is potentially hazardous to the public health or the environment.~~

~~(2) The department, board, or district proposes to issue an abatement order or a cease and desist order, to file a civil or criminal action, or to settle a civil or criminal action, concerning a disposal of hazardous waste within that county, city, or district.~~

~~(b) The notice given by the department, board, or district pursuant to subdivision (a) shall include all test results and any relevant information that the department, board, or district has obtained and that do not contain trade secrets, as defined by Section 25173, as determined by the department, board, or district. If the department, board, or district determines that the test results or information cannot be disseminated because of current or potential litigation, the department, board, or district shall inform the local health officer, the director of environmental health, and~~

1 the CUPA for the jurisdiction that the test results and information
2 shall be used by the local health officer, the director of
3 environmental health, and the unified program agencies, only in
4 connection with their statutory responsibilities and shall not
5 otherwise be released to the public.

6 (e) The department, the State Water Resources Control Board,
7 the California regional water quality control boards, and an air
8 pollution control district or air quality management district shall
9 coordinate with the unified program agencies regarding violations
10 of this chapter, or violations of regulations adopted pursuant to this
11 chapter, at a unified program facility.

12 SEC. 2. Notwithstanding Section 17610 of the Government
13 Code, if the Commission on State Mandates determines that this
14 act contains costs mandated by the state, reimbursement to local
15 agencies and school districts for those costs shall be made pursuant
16 to Part 7 (commencing with Section 17500) of Division 4 of Title
17 2 of the Government Code. If the statewide cost of the claim for
18 reimbursement does not exceed one million dollars (\$1,000,000),
19 reimbursement shall be made from the State Mandates Claims
20 Fund.

